

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15358 of the Army Distaff Foundation, Inc., as amended, pursuant to 11 DCMR 3108.1, for a special exception under Section 219 to allow an addition to an existing 241 unit community residence facility and to allow an addition under Condition (c) and to eliminate Condition (d) of the Board's previous Order No. 5550, dated June 29, 1959, for an addition of forty units and support facilities in an R-1-A District at premises 6200 Oregon Avenue, N.W., (Square 2339, Lot 3).

HEARING DATE: September 19, 1990
DECISION DATE: October 3, 1990

FINDINGS OF FACT:

1. The subject site is located in the Chevy Chase neighborhood of Ward 3. It is known as premises 6200 Oregon Avenue, N.W. and it is located in an R-1-A District. The subject site is bounded by Oregon Avenue and Rock Creek Park on the east, Tennyson Street on the north, 29th Street on the north-west, Stephenson Lane on the south-west side and Nebraska Avenue on the south-east. The site contains 709,637 square feet of land area, or 16 acres. The large site is irregularly shaped. Its elevation varies from flat to deep.

2. The Chevy Chase neighborhood is primarily a low density residential community containing single-family detached homes. Many of the dwelling units that surround the site are located on large lots that exceed the 7,500 square foot lot size required by the Zoning Regulations. Commercial development is found in the westernmost section of the neighborhood, along Connecticut Avenue. Also, public institutional facilities including Lafayette Recreation Center and School, Chevy Chase Branch Library and Chevy Chase Community Center, are located in the western section of the neighborhood. Saint John's College High School, a private school for boys, is the institutional facility located closest to the site.

3. In 1959, the owner of the property appeared before the Board requesting to develop the property with a retirement center for the female dependents of Army Officers and Career Reserve Officers. By Order No. 5550, dated June 29, 1959, the Board granted the application and permitted the construction of a Community Based Residence Facility at the subject site. The facility was allowed to accommodate a maximum of 300 persons. The Board Order restricted the use of the unused grounds to green

areas, roads and paths.

4. In June 1962, the Army Distaff Foundation opened the facility which is presently called Knollwood. It has provided accommodations for independent living, and nursing care for those who cannot care for themselves. The facility is designed, decorated and managed primarily for those who can live independently. However, those who require nursing care reside permanently in a separate Health Services Center (HSC).

5. Presently, the building is a residence containing 241 individual apartments, a dining room that seats 185 people, a chapel, a 48 bed health facility, offices, an unused loggia area and normal support facilities. By Appeal No. 9185, dated April 12, 1967, the Board increased the maximum number of residents to 318. In 1989 the Center began to admit males and couples.

6. Over the years the Army Distaff became aware of a significant number of residents that could not live fully independently but did not need or want the services and confinement of the HSC. This group of residents requires assisted living. Assisted living is something less than intermediate nursing care however, almost constant accountability for the residents is provided. This new group has created the need for what is known as "Assisted Care Units" (ACUs).

7. In light of the need for the assisted care units, the Army Distaff Foundation, applicant herein, requests special exception approval to allow an addition of 40 individual apartment units and support facilities to the existing building. The applicant also seeks modification of Condition (c) of Order No. 5550 that prohibited expansion of the facility to open areas.

8. In addition to the 40 living units, the expansion would include a dining room, crafts room, lounge area, laundry rooms, and staff rooms. There would also be a wellness center. The applicant is not proposing to increase the number of persons allowed to reside at the facility.

9. The proposed addition would consist of 40,500 square feet and would be connected to the existing building at the south-eastern portion of the site. Further, a portion of the existing health care component of the building would be remodeled and incorporated into the new wing. The new addition would be constructed to a height of 40 feet (three stories). However, because of the property's elevation, the addition would only be as tall as the basement level of the existing health care wing. The addition would be constructed of brick material, thus complementing the existing buildings.

10. The applicant testified that 187 on site parking spaces

are currently provided. The applicant proposes to add three spaces for visitors to the new wing for a total of 190 parking spaces. Presently, only 44 residents and 55 staff members own cars. Therefore, 190 spaces will be adequate to meet the need of the occupants, employees and visitors to the facility.

11. Vehicles accessing the planned addition would primarily enter from Nebraska Avenue, where a new circular driveway is proposed. Also, a new path would provide a walkway from the proposed building to an existing garden and to the Administration Building.

12. At the request of the Department of Public Works, the applicant conducted a survey of incoming and outgoing traffic. On a weekday between 8:00 A.M. and 9:00 A.M. 30 inbound and 10 outbound vehicles were observed. Between 5:00 P.M. and 6:00 P.M. the applicant observed five inbound and 11 outbound vehicles.

13. Pursuant to Section 219 of the Zoning Regulations, Community Residence Facilities are permitted in an R-1 District if approved by the Board as a special exception (Section 3108). Approval shall be based upon the following provisions:

- 219.2 There shall be no other property containing a community-based residential facility for five (5) or more persons in the same square and no other property containing a community-based residential facility for five (5) or more persons within a radius of one thousand feet (1,000') from any portion of the subject property.
- 219.3 There shall be adequate, appropriately located and screened off-street parking to provide for the needs of occupants, employees, and visitors to the facility.
- 219.4 The proposed facility shall meet all applicable code and licensing requirements.
- 219.5 The facility shall not have an adverse impact on the neighborhood because of traffic, noise, operations, or the number of similar facilities in the area.
- 219.6 The Board may approve more than one (1) community-based residential facility in a square or within one thousand feet (1,000) only when the Board finds that the cumulative effect of the facilities will not have an adverse impact on the neighborhood because of traffic, noise, or operations.
- 219.7 In the case of a community residence facility, the

Board may approve a facility for more than fifteen (15) persons, not including resident supervisors and their families, only if the Board finds that the program goals and objectives of the District cannot be achieved by a facility of a smaller size at the subject location, and if there is no other reasonable alternative to meet the program needs of that area of the District.

- 219.8 The Board shall submit the application to the Director of the Office of Planning for coordination, review, report, and impact assessment, along with reports in writing of all relevant District departments and agencies, including but not limited to the D.C. Departments of Public Works, Human Services, and Corrections and, if a historic district or historic landmark is involved, of the State Historic Preservation Officer.

The applicant must demonstrate that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and that it will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. (Section 3108)

14. The Office of Planning (OP), by report dated September 12, 1990, and through testimony at the hearing, recommended conditional approval of the application. OP noted that the grounds of the facility are beautiful. Originally the grounds were improved with the Knoll House -- built in 1931 as a grand estate house. Other buildings on the site reflect a more modern and simplistic style of design.

The unimproved portion of the site contains large trees (Oak, Maple, Cherry, Pine, Beech, etc.), natural vegetation, evergreen shrubbery, flower gardens and well-maintained lawns. The attractiveness of the estate is also enhanced by the fluctuating features of the site's topography. Directly east of the site, abutting Oregon Avenue, is Rock Creek Park. The park adds natural beauty, gives the illusion of a rural setting in an urban environment because of its open green space, and adds a peaceful and tranquil environment at the eastern section of the site.

15. The Office of Planning indicated that the applicant meets all zoning calculations for the proposed expansion. Specifically, the applicant is required to provide a lot area that has a minimum size of 7,500 square feet. The site's land area contains 709,637 square feet. Based on the applicant's submission to the city, 9.4 percent or 66,706 square feet of the site would be occupied. The site has an average width of over 700 feet; the minimum width required by the Zoning Regulations is 75 feet. Additionally, the

applicant's property exceeds the side yard requirements of eight feet each.

16. The applicant meets all applicable code and licensing requirements. The applicant has a Certificate of Licensure, dated April 24, 1990, from the Department of Consumer and Regulatory Affairs to maintain and operate a Health Care Facility with a total capacity of 48 hospital beds. The applicant's license for the Skilled and Intermediate Care Facility is for the period March 1, 1990 to February 28, 1991. The Department of Human Services (DHS) has approved an application for a Certificate of Need for the "Renovation of Knollwood Health Service Center, and the Construction of 40 Assisted Living Apartments and a Wellness Center - Certificate of Need Registration No. 89-3-8". The Certificate of Need was approved on July 20, 1990.

17. The Office of Planning is of the opinion that the proposed expansion of the facility will not have any adverse impact on traffic, noise or the abutting residential community. Specifically, there are no other Community Based Residential Facilities within a radius of 1,000 feet from any portion of the subject site. The site is surrounded on all sides by single-family detached homes, within at least a three to four block radius. The existing buildings and proposed addition would be located in the center of the extremely large lot. The site, with its large trees and thick vegetation, provides a buffer between the retirement center and neighboring properties. The site is barely visible from the surrounding streets. Therefore, in OP's view, no adverse visual impacts are anticipated. The applicant assured the Office of Planning that any potential drainage or landscaping problems would be resolved.

18. The Office of Planning stated that there is a need in the District of Columbia to provide appropriate accommodations and care for elderly persons. The facility has coexisted harmoniously with its neighbors for 28 years. The proposed expansion is of a scale that should not create any adverse impacts on the surrounding community. The applicant's proposal should not impair the purpose and intent of the Zoning Regulations and Maps.

Based on its analysis, the Office of Planning recommends that the subject application be approved with the following conditions:

1. Maximum accommodations shall be for not more than 318 persons.
2. The proposed addition should be constructed as submitted by the applicant, and identified on the project's schematic design, dated April 20, 1990.
3. The remainder of the entire site shall be used for no

other purpose than landscaping, roadways and parking and shall not be sold or otherwise improved.

4. Any kitchens provided shall be of the pullman type only.
5. An updated site plan, which identifies all of the major components of the existing facility, including the proposed expansion, should be provided to the Board of Zoning Adjustment for approval.

19. The applicant requested that the type of kitchen not be made part of the Board's decision. The Board finds this to be a reasonable request.

20. The application was referred to the Metropolitan Police Department, Department of Public Works (DPW) and the Department of Human Services (DHS).

21. The Police Department stated that it does not oppose the application because it does not appear that the change proposed by this application will affect the public safety in the immediate area or generate an increase in the level of police services now being provided.

22. The Department of Public Works, noting the traffic survey conducted by the applicant, stated that the level of traffic indicates that the community residence facility is a very low traffic generator during the A.M. and P.M. peak hours. DPW believes the proposed addition of 40 assisted living units will generate only a few visitor trips during the morning and evening peak hours, the impact of which will be negligible on the street system. DPW also noted that the project will use the existing circulation with no additional curb cuts in the public space. From a transportation standpoint, the department expressed no objection to the proposal.

23. The Department of Human Services, issued a Certificate of Need to the applicant on July 20, 1990. DHS discussed the following requirements as they relate to the subject application: the need for the proposed project; accessibility to all eligible people without regard to race, color, creed or national origin; continuity; quality of care; acceptability; cost; and commitment to uncompensated care. After an in depth analysis of the applicant's proposal to construct a wellness center and a 40 bed CRF, and to renovate its health service center, DHS found the project to be in compliance with all applicable criteria and standards for review except "accessibility". Having made these findings, DHS conditionally approved a Certificate of Need to be issued to the applicant. Approval is contingent upon the condition that the applicant provide a plan of action to the agency with its first quarterly progress report that details the manner in which non-

white individuals and their dependants, who meet the military requirements, will have equal access to the facility.

24. Advisory Neighborhood Commission (ANC) 3G, by letter dated September 10, 1990, indicated that it would support the special exception to add an addition for a period of 25 years if the following conditions are met:

- (1). No part of the new construction shall extend beyond the existing building facing towards Stephenson Lane.
- (2). The new addition shall be well screened by the planting of trees and shrubberies agreeable to the neighbors most affected.
- (3). The current driveway exiting on Nebraska Avenue will not be widened and will not be opened to two-way traffic.
- (4). The question of drainage shall be addressed well beforehand in order to prevent the natural swale at the bottom of the property, washing out the roads. (This is a serious problem in this area as witnessed by the condition of Oregon Avenue between Unicorn Lane and Beech Street).
- (5). It shall be written into any and contracts, Sub-contracts and any other agreements entered into in conjunction with this construction that no radios or other loud noise will be allowed prior to 7:00 A.M. All construction activity will be confined to legal hours.
- (6). The Army Distaff Foundation will maintain all of its grounds throughout the construction period and AFTER construction has been completed, to the satisfaction of its neighbors. Care shall be taken to prevent construction debris from being scattered in the neighborhood - i.e. all dump trucks shall be covered, surrounding streets shall be swept and washed, as necessary, to insure the safety of traffic and pedestrians.
- (7). All vehicles belonging to the contractors and their assigns shall be confined to parking within the boundaries of the Knollwood property.

25. While some of the proposed conditions are not under the jurisdiction of the Board, the Board finds that the concerns of the ANC are legitimate and that the applicant will make every reasonable effort to maintain harmony between itself and its neighbors.

26. A neighbor residing at 6251 - 29th Street, N.W., testified in support of the application. He expressed his support for three reasons. First, the applicant has shown that it is a good neighbor by consulting and working with residents in the area on matters that affect them. Second, the project, as designed, is attractive and will intrude only modestly on the various views from the neighboring properties. He stated that the new view from Nebraska Avenue will provide a more interesting facade than the rectangular building presently existing. The new structure will not be visible from Oregon Avenue in the summer and barely visible in the winter. It will not be visible from 29th Street at all. From Stephenson Lane, the structure will only be visible from the two houses closest to Nebraska Avenue because as you move up to the hill on Stephenson Lane toward 29th Street, the existing burm screens the view of the new wing and the proposed swimming pool and mechanical room. Third, and finally, the neighbor pointed out that Knollwood must be allowed to provide assisted living facilities to remain competitive and to improve the quality of life for its senior citizens. It would be detrimental to the neighborhood for the facility to close.

27. A neighbor residing at 2742 Stephenson Lane testified on her own behalf and as a representative of 31 neighbors who signed a petition in opposition to the application. Their main concern was that the Stephenson Lane residents would be able to see most of the rectangular building because they are closest to it and the existing evergreen trees will have to be removed. The neighbor's husband noted that because some of the houses on Stephenson Lane are raised from the sidewalk, the base of the building can be seen, not just the top. The trees provide adequate screening from April to October, thereafter the entire building is visible.

The neighbors were also concerned with the possible danger caused by the proposed conversion of the one-way entrance from Nebraska Avenue to a two-way road.

The neighbors voiced a preference for no new construction, but alternatively expressed support for the position of the ANC.

28. One of the ANC Commissioners, testifying on her own behalf, noted her lack of support for Condition No. 1 of ANC's report. That condition would prohibit new construction beyond the existing building facing Stephenson Lane. In her view, this condition is unreasonable because there is already substantial screening from the burm west of the one-way driveway that exists from Knollwood onto Nebraska Avenue. She encouraged the applicants to plant evergreens for year round screening. This, she believes, would be adequate.

29. The Board finds that the applicant will provide landscaping to adequately screen the new addition from nearby

properties. The Board also finds that the facility generates little traffic and that the proposed two-way ingress and egress at Nebraska Avenue will not be dangerous.

CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and evidence of record, the Board concludes that the applicant is seeking a special exception to allow an addition to an existing community residence facility in an R-1-A District. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 219 regulating Community Residence Facilities.

The Board concludes that the applicant has met the burden of proof for granting the requested relief. The Board concludes that there are no community based residential facilities within 1,000 feet of the property. There is adequate, appropriately located and screened off-street parking to serve the needs of the facility. The facility is capable of meeting all applicable code and licensing requirements. The Board further concludes that the facility will not have an adverse impact on the neighborhood because of noise, traffic or operations and that this facility is needed to achieve the program goals and objectives of the District of Columbia.

The Board is of the opinion that granting the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps.

The Board concludes that it has afforded the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS;

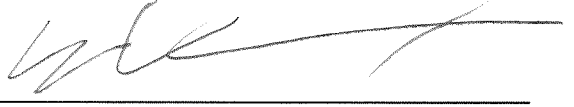
1. The applicant shall not make any major structural additions to the property, except for outdoor recreational facilities, for a period of twenty-five years from the final date of this Order.
2. Accommodations shall be for a maximum of 318 persons.
3. The building shall not exceed three stories measured from site selected by the applicant at a point being on the 310 foot elevation at the front of the building.

4. The original residence may be retained for administration and staff residential use.
5. The applicant shall provide additional landscaping as shown on the plans marked as Exhibit No. 10 of the record.

VOTE: 4-0 (Paula L. Jewell and Carrie L. Thornhill to grant; William L. Ensign and William F. McIntosh to grant by proxy; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER:

JAN 31 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION NO. 15358

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated JAN 21 1991 and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and to is listed below:

Major General Calvert Benedict
Army Distaff Foundation
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Allen Beach, Chairperson
Advisory Neighborhood Commission 3G
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A handwritten signature in dark ink, appearing to read "E. L. Curry", is written over a horizontal line.

EDWARD L. CURRY
Executive Director

DATE: JAN 31 1991

ATT. 3/BHS